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9 ANDCAKE, INC.

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA—WESTERN DIVISION

AND CAKE, INC., a California
corporation,

Plaintiff,

v.

PLAYDAY4EVA, LLC, a California
limited liability company; LING-SU
CHINN, INC., a California
corporation; EMINENT, INC., a
Delaware corporation;
UNDERSPORTS, INC., a California
corporation; and DOES 1 through 10,
inclusive,

Defendants.

CASE NO.: 2:16-cv-02631-GW-Ex

Stipulated Consent Judgment And
Permanent Injunction

Honorable George Wu

Plaintiff ANDCAKE, INC., and Defendant PLAYDAY4EVA, LLC, agree as
follows:

1. Plaintiff ANDCAKE is a corporation organized and existing under the
laws of the State of California, engaged in the business of creating various original
designs for different garments, and marketing and selling same since as early as

1 1999, with a mailing address of 1532 N. Columbus Avenue, Glendale, California
2 91202.

3 2. Defendant PLAYDAY4EVA is a California limited liability company
4 organized and existing under the laws of the State of California with a business
5 address of 850 S. Broadway #501, Los Angeles, CA 90014.

6 3. AndCake is the owner by assignment of a copyright in a Work entitled
7 "Samantha" created by Stephanie Larowe in 2007, Registration No. VA 1-828-
8 478. Defendants' unauthorized use of essentially the identical embroidery pattern
9 in blouses, dresses, shorts, tunics and rompers it distributed under the Gypsy
10 trademark in the U.S. was unlawful.

11 4. Defendant's acts of distributing the copied work constitute copyright
12 infringement under the Copyright Act, 17 U.S.C. § 101, et seq. The parties waive
13 any findings of fact or conclusions of law under FRCP 52 or any other applicable
14 rule, in order to effectuate the terms of this Judgment and resolve the claims
15 asserted in this action.

16
17 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED
18 AS FOLLOWS:

19 1. This Court has subject matter jurisdiction over this action as a federal
20 question pertaining to copyright pursuant to 20 U.S.C. §1331 and 1338(a).

21 2. AndCake's registered copyright is presumed valid and enforceable,
22 and was infringed by Defendant by their unauthorized use and distribution of the
23 Work.

24 3. Pursuant to the terms of a confidential settlement agreement,
25 Defendant shall timely pay to AndCake the sum specified therein.

26 4. Effective June 1, 2017, after an agreed sell-off period, Defendant and
27 their employees, agents, related companies, and all persons and entities in active
28 concert or participating with any of them, are permanently enjoined from engaging


1 in infringement of U.S. Copyright Registration No. VA 1-828-478 for so long as
2 AndCake's copyright remains valid and enforceable.

3 The court shall retain jurisdiction over the parties for a period of two (2)
4 years to enforce the terms of this consent judgment.

5 The parties shall each be responsible for their own attorneys' fees and costs.

6 AND THAT JUDGMENT BE ENTERED IN FAVOR OF PLAINTIFF
7 ANDCAKE ACCORDINGLY.

8
9 Dated: June 10, 2016

By: 
United States District Judge